

RECEIVED

JUN 26 1995

FCC MAIL ROOM

Before the
Federal Communications Commission
Washington, D.C. 20554

| | | |
|-----------------------|---|-----------------------|
| In re Applications of |) | MM Docket No. 93-241 |
| |) | |
| DARRELL BRYAN |) | File No. BPH-920109MA |
| |) | |
| SBH PROPERTIES, INC. |) | File No. BPH-920123MD |
| |) | |
| |) | |

For Construction Permit for
New FM Channel 276A
Tusculum, Tennessee

DOCKET FILE COPY ORIGINAL

To: Honorable John M. Frysiak
Administrative Law Judge

SUPPLEMENT TO
JOINT REQUEST FOR APPROVAL OF SETTLEMENT AGREEMENT

SBH Properties, Inc. by counsel herewith submits the attached Declaration of William Seaver and supporting documentation and requests that the same be accepted as a supplement to and made a part of the Joint Request for Approval of Settlement Agreement, previously filed in this proceeding on June 19, 1995. The enclosed serves to supply the documentation referenced as "Attachment D" in the Joint Request, as filed.

Respectfully Submitted

SBH PROPERTIES, INC.

By:


Timothy K. Brady
Its Attorney

P.O. Box 986
Brentwood, TN 37027
615-371-9367

June 26, 1995

No. of Copies rec'd
List A B C D E

026

ATTACHMENT D

DECLARATION

I, William Seaver, hereby certify:

1. That I am the President of SBH Properties, Inc., applicant for a Construction Permit for a new FM broadcast station to be licensed to Tusculum, Tennessee, which application is presently pending before the Federal Communications Commission and bears the file number BPH-920123MD. This application is mutually exclusive with that of Darrell Bryan ("Bryan") for the same facilities, bearing the file number BPH-920109MA. SBH Properties, Inc. and Bryan have entered into a Settlement Agreement, calling for the dismissal of SBH's application, in the event that Bryan is determined to be financially qualified. Under such circumstances, the approval of the Settlement Agreement will eliminate the need for a comparative evaluation of the applicants, Commission review in this proceeding and will speed the institution of new service to the Tusculum area.

2. That there has been no consideration given, promised to, received by, or promised by me or any agent or employee of SBH Properties, Inc. in connection with settlement of the conflict resulting from the above-referenced mutually exclusive applications, except as set forth in the attached Settlement Agreement. In addition to the Settlement Agreement, I have, individually, executed a Consulting Agreement with Bryan, a copy of which is also submitted for approval.

3. That the above-referenced Application of SBH Properties, Inc. was not filed for the purpose of reaching or carrying out a settlement.

4. That I have personal knowledge of the amount of the expenses legitimately and prudently incurred by SBH Properties, Inc. to date in the preparation, filing and prosecution of its above referenced Application and that the following itemization and the appended documentation accurately represents said legitimate and prudent expenses:

| | |
|--|--------------|
| Attorney's fees and costs for preparation, filing and prosecution of application | \$ 65,614.62 |
| Hearing costs paid by Attorney from Trust Account, utilizing funds deposited by the Applicant | 1,216.40 |
| Fee paid to Media Properties, Inc. for preparation and filing of the initial application (including engineering) | 5,000.00 |
| FCC Filing and Hearing Fees | 8,790.00 |
| John A. Beam, III. (corporate counsel) | 768.66 |
| Dwight Magnuson, PE (engineering - areas/pops. study) | 150.50 |
| Steven Crowley, PE (engineering - hearing exhibit) | 490.00 |
| Alley & Associates (surveyors - investigation of transmitter sites of competing applicants) | 460.00 |
| David T. Murray (broadcast consultant - investigation of competing applicant) | 1,822.16 |
| Greenville Sun (publication of legal notices) | 179.00 |
| Lodging | 258.00 |

| | |
|--|--------------|
| Meals | 133.34 |
| Travel (12720 mi. x \$ 0.28, including 8 roundtrips between Pensacola, FL and Tusculum/Greeneville, TN, 1 roundtrip to Washington, DC, additional mileage incurred in locating transmitter site) | 3,561.60 |
| Tusculum College (deposition room) | 50.00 |
| TVA (maps) | 6.00 |
| Corpex (corporate stock certificates and record book) | 56.00 |
| Tennessee Secretary of State (corp. filings) | 80.00 |
| Tennessee Department of Revenue | 25.46 |
| Federal Express | 259.00 |
| Facsimile Transmissions | 104.71 |
| Postage | 156.00 |
| Office Supplies | 55.24 |
| Telephone (long distance charges) | 1,482.92 |
| Photocopies | 289.13 |
| | ----- |
| TOTAL: | \$ 91,008.74 |

I hereby certify under penalty of perjury that the above statement is true and correct.

Signed and dated this 19 day of June, 1995.

William Seaver
William Seaver

DECLARATION

I, Timothy K. Brady, hereby certify:

That I have acted as communications counsel to SBH Properties, Inc. since prior to the filing of its Application for Construction Permit (File No. BPH-920123MD) until the present.

That I have charged SBH Properties, Inc. a total of \$ 65,614.62 in consideration for services rendered and costs advanced (for long distance phone calls, photocopies, binding, overnight courier, postage, facsimile transmissions, airfare, hotels, parking, cabfare, hearing transcripts and paralegal services) in the preparation, filing and prosecution of its Application in MM Docket No. 93-241.

That a total of \$ 1,216.40 in additional prosecution costs (which were not advanced and billed by me) were paid out of my Client Trust Account, utilizing funds deposited therein by SBH Properties, Inc., which costs included the following:

| | |
|--|-------------|
| Court Reporters -- Deposition Transcripts | \$ 508.40 |
| Steven Crowley, PE - Joint Engineering Exhibit | 231.00 |
| Smithwick & Belediuk -- Legal/Paralegal Services | 477.00 |
| | ----- |
| | \$ 1,216.40 |

I hereby certify under penalty of perjury that the above statement is true and correct.

Signed and dated this 22 day of June, 1995.


Timothy K. Brady

Media Properties Associates

P.O. Box 90307
Knoxville, TN 37990
615-694-4079

January 22, 1992

STATEMENT

RE: Tusculum, TN FM application

William H. Seaver

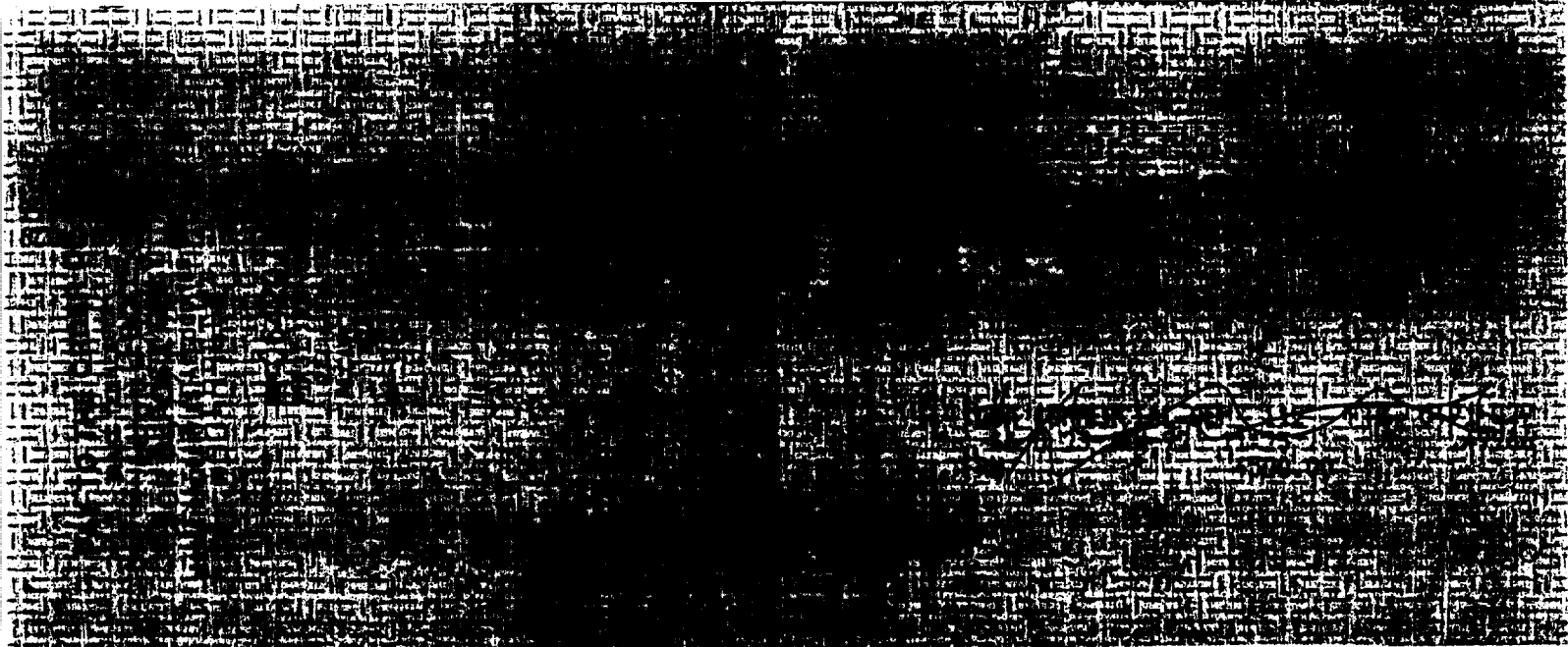
5930 Limestone Road

Pensacola, FL 32504

| | |
|-------------------------------|------------|
| Beginning Balance | \$5,000.00 |
| Less Payment Received 1/22/92 | \$5,000.00 |
| Total Balance Due | \$0,000.00 |

THANK YOU! WE APPRECIATE YOUR BUSINESS!

Paid by CASHIER'S CHECK FROM ANDREW JOHNSON BANK



HOLLAND & BEAM
AN ASSOCIATION OF ATTORNEYS
2000 DOMINION TOWER
150 FOURTH AVENUE NORTH
NASHVILLE, TENNESSEE 37219-2425
TELEPHONE (615) 726-3434
June 30, 1992

S.B.H. Properties, Inc.
ATTN: Mr. William Seaver, President
5930 Limestone Road
Pensacola, Florida 32504

RE: STATEMENT FOR PROFESSIONAL SERVICES

| | <u>Hours</u> | |
|---|--------------|-----------------|
| 06/11/92 Transmittal letter with documents. | 0.20 | |
| 06/15/92 Prepare stock certificates. | 0.80 | |
| Prepare bylaws. | 0.80 | |
| Begin preparing minutes approving incorporation. | 0.20 | |
| Prepare incorporation minutes. | 1.00 | |
| | | <u>Amount</u> |
| For professional services rendered | 3.00 | \$285.00 |
| Additional charges: | | |
| -June copies. | | 8.00 |
| -June postage. | | 2.48 |
| | | <hr/> |
| Total costs | | \$10.48 |
| | | <hr/> |
| Total amount of this bill | | \$295.48 |
| 06/30/92-Less discount | | (\$45.00) |
| Previous balance | | \$518.18 |
| | | <hr/> |
| Balance due | | <u>\$768.66</u> |

S.B.H.
Properties, Inc.
5930 Limestone Road, Pensacola, FL 32504

July 25, 1992

Mr. John A. Beam III
2000 Dominion Tower
150 Fourth Avenue North
Nashville, TN 37219-2425

Dear John:

I would like to thank you for your prompt handling of the amendments to our Corporate Charter. As you know the Federal Communications Commission deadline we were facing was very important to us. I will send you copies of the signature pages for your files next week.

Please find enclosed our check for \$, and again thank you for putting everything in proper order for us.

Sincerely,

Bill Seaver

William H. Seaver

| | | | | |
|--|--|---|--|---------------|
| BILL OR WILMA SEAVER PHONE (904) 479-1778 5930 LIMESTONE RD PENSACOLA, FL 32504 | | BARNETT BANK 100 WEST GARDEN STREET PENSACOLA, FLORIDA 32501 63-40/632 | | 3302 |
| PAY TO THE ORDER OF | | 0083808 | | Date: 7/24/92 |
| John A. Beam III | | *****768.66 | | |
| Seven Hundred Sixty-Eight and 66/100***** | | DOLLARS | | |
| Holland & Bean | | | | |
| 2000 Dominion Tower | | | | |
| 150 Fourth Avenue North | | | | |
| Nashville, TN 37219-2425 | | | | |
| Memo S.B.H. Properties Charter | | <i>William H. Seaver</i> | | |
| ⑆063200407⑆ 3302 1171279542⑈ | | ⑈0000076866⑈ | | |

DWIGHT R. MAGNUSON
P.O. BOX 332
SEYMOUR, TENNESSEE 37865
615/428-4976

=====

To:


Bill Seaver
5930 Limestone Road
Pensacola, FL 32504

| <u>Date</u> | <u>Description</u> | <u>Amount</u> |
|-------------|---------------------------------------|---------------|
| 9-21-93 | Tusculum, TN: Bryan 1990 population | \$ 100.00 |
| 9-22-93 | Affidavit and fax to T. Brady, 1/2 hr | 37.50 |
| 9-23-93 | Overnight to T. Brady | 13.00 |

ACCOUNT BALANCE: \$ 150.50

PAST DUE BALANCES SUBJECT TO LATE CHARGES OF 1.5% PER
MONTH (18% APR) PLUS \$2.00 RE-BILLING CHARGE.

THANK YOU.

| | | | |
|---|--|---|------|
|  | BILL OR WILMA SEAVER PHONE (904) 478-1778 5930 LIMESTONE RD PENSACOLA, FL 32504 | BARNETT BANK 100 WEST GARDEN STREET PENSACOLA, FLORIDA 32501 83-40/632 | 3745 |
| | PAY TO THE ORDER OF DWIGHT R. MAGNUSON One Hundred Fifty and 50/100***** DOLLARS | Date 10/5/93 \$ *****150.50 | |

DWIGHT R. MAGNUSON
P.O. Box 332
Seymour, TN 37865

Memo SBH Properties Population Study

William H. Seaver

⑆063200407⑆ 3745 1171279542⑈

STEVEN J. CROWLEY, P.E.
Consulting Engineer

Invoice submitted to:

September 30, 1994

Invoice # 1152

Mr. William H. Seaver
3815 Old Jonesborough Highway
Jonesborough TN 37659-5718

Professional services:


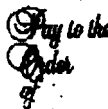

| | Hrs/Rate | Amount |
|------------------------------------|-----------|------------|
| 9/8/94 Engineering -- | 3.50 | 490.00 |
| Darrell Bryan STL study. | 140.00/hr | |
| For professional services rendered | 3.50 | \$490.00 |
| 8/30/94 Payment - thank you | | (\$250.00) |
| Total due | | \$240.00 |

Payment terms: Net 30 days

Thank you very much.
Sincerely,



Steven J. Crowley

| | | | |
|---|---|---|-------------|
|  | BILL OR WILMA SEAVER 3815 OLD JONESBOROUGH HWY JONESBOROUGH, TN 37659-5718 (615) 753-0698 | HAMILTON BANK OF UPPER EAST TENNESSEE 87-74642 BRANCH 03 | 1046 |
|  | STEVEN J. CROWLEY | 8/24/94 | *****250.00 |
| | Two Hundred Fifty and 00/100***** | | Dollars |
| | STEVEN J. CROWLEY 1133 15th Street N.W. Suite 1200 Washington, D.C. 20005 | | |
| | Tusculum TN, STL Study |  | |
| | ⑆064200749⑆ 36 0580 5⑈ | 1046 | |

William H. Seaver
3815 Old Jonesborough Hwy.
Jonesborough, TN 37659-5718
(615) 753-0698

November 7, 1994

Steven J. Crowley
Consulting Engineer
1133 15th Street N.W.
Suite 1200
Washington, D.C. 20005

Dear Steve:


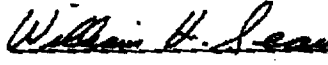
Please find enclosed our check for the balance due on the Tusculum STL Study. We very much appreciate your help. I had ask Tim Brady to ask you if you would please plot the coordinates shown by the red arrow before returning the maps I sent you. This may be our studio location if we receive the C.P.

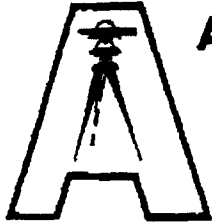
Sincerely,



William H. Seaver

enclosure:

| | | | |
|---|--|--|-----|
|  | BILL OR WILMA SEAVER 3815 OLD JONESBOROUGH HWY JONESBOROUGH, TN 37659-5718 (615) 753-0698 | HAMILTON BANK OF UPPER EAST TENNESSEE 27-74842 BRANCH 03 | 112 |
| | Pay to the Order of STEVEN J. CROWLEY Two Hundred Forty and 00/100***** | 11/7/94 \$ *****240.00 | |
| STEVEN J. CROWLEY 1133 15th Street N.W. Suite 1200 Washington, D.C. 20005 | | | |
| memo Tusculum TN, STL Study Balance | |  | |
| ⑆064200749⑆ 36 0580 5⑈ | | 1120 | |



Alley & Associates, Inc.

Surveyors • Planners • Managers

124 Commerce Street
Kingsport, Tennessee 37660
Telephone: (615) 392-8896
FAX: (615) 392-8898

William H. Seaver, President
S.B.H. Properties, Inc.
5930 Limestone Road
Pensacola, FL 32504

Date: Oct. 26, 1992


REF: Proposed Radio Tower Location
Greene County, Tennessee

Terms: Net 30 Day

Professional Services:

| | | |
|-----------------|----------------------------|----------|
| Principal | 5.5 hours @ \$75/hr. | \$412.50 |
| Misc. Expenses: | | |
| | Mileage 72 mi. @ 28.5¢/mi. | \$ 20.52 |
| | Postage | \$ 1.45 |
| | Tax Maps | \$ 21.86 |
| | Telephone Calls | \$ 3.67 |
| | TOTAL | \$460.00 |

THANK YOU

| | | | |
|---|--|---|------------|
|  | BILL OR WILMA SEAVER PHONE (904) 479-1778 5930 LIMESTONE RD PENSACOLA, FL 32504 | BARNETT BANK 100 WEST GARDEN STREET PENSACOLA, FLORIDA 32501 63-40/632 | 3469 |
| PAY TO THE ORDER OF | ALLEY & ASSOCIATES, INC. | Date 12/17/92 \$ *****460.00 | |
| Four Hundred Sixty and 00/100***** DOLLARS | | | |
| 253652557 0805 0525 07 01-12-93 | | | |
| ALLEY & ASSOCIATES, INC. 124 Commerce Street Kingsport, Tennessee 37660 | | | |
| Memo SBH Properties, Inc. | | | |
| 10632004070 3469 11712795420 | | | 0000046000 |



Properties, Inc.

5930 Limestone Road, Pensacola, FL 32504

August 12, 1993

David T. Murray
Broadcast Consultant
1028 Woodstone Drive
Kingsport, TN 37663

Dear Dave:

I would like to thank you for the outstanding job you did for us.
Your investigation and documentation were both very complete.

Please find our check for your charges and expenses enclosed.

Sincerely,

Bill Seaver

Bill Seaver

BILL OR WILMA SEAYER
PHONE 904 479-1778
5930 LIMESTONE RD
PENSACOLA, FL 32504

August 12, 93 2292

Pay to the order of David T. Murray \$ 1,099.40
One Thousand Ninety Nine and 40/100 Dollars

100 WEST GARDEN STREET
PENSACOLA, FLORIDA 32501

Memo *SBH Properties*

William H. Seaver

⑆063200407⑆ 2292 1171279542⑆

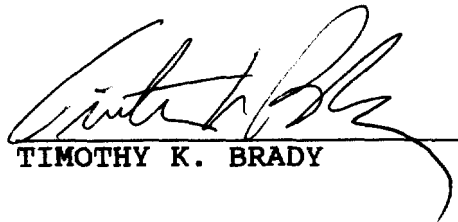
CERTIFICATE OF SERVICE

I, Timothy K. Brady, hereby certify that I have this 24th day of June, 1995, served a copy of the foregoing Supplement to Joint Request for Approval of Settlement Agreement by First Class mail, postage prepaid, except as otherwise noted, upon the following:

Honorable John M. Frysiak
Administrative Law Judge
Federal Communications Commission
2000 L Street, NW, Room 223
Washington, DC 20554

Robert A. Zuaner, Esq.
Hearing Branch
Federal Communications Commission
2025 M Street, NW, Room 7212
Washington, DC 20554

J. Richard Carr, Esq.
5528 Trent Street
Chevy Chase MD 20815
(Counsel for Darrell Bryan)


TIMOTHY K. BRADY